

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GWENN HALE,

Plaintiff,

v.

MICHELLE R. PULLEY, and
ROSALINA GONZALES,

Defendants.

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Civil No. **03-353-MJR**

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff's Motion Seeking Response from Defendant. (**Doc. 37**).

Plaintiff asks the Court to require defendant Michelle Pulley to file a response to his complaint. However, defendant Pulley has not been served. If fact, the U.S. Marshal reports that, as of November, 2005, Pulley was serving in the military in the Middle East. **See, Doc. 31.**

The Court cannot order a defendant who has not been served to file an answer.

Because plaintiff is proceeding in forma pauperis, he may rely on the Marshals Service to to serve the defendants. *Antonelli v. Sheahan*, 81 F.3d 1422 (7th Cir.1996). **The Court directs the Marshals Service to try again to serve defendant Michelle Pulley.**

Plaintiff's Motion Seeking Response from Defendant (**Doc. 37**) is **DENIED**.

IT IS SO ORDERED

DATE: April 20, 2006.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE